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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,920	02/25/2004	John M. Hardin	8571-AFP/GDM	4975
20349	7590	09/21/2004	EXAMINER	
POLAROID CORPORATION PATENT DEPARTMENT 1265 MAIN STREET WALTHAM, MA 02451			SCHILLING, RICHARD L	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,920	Applicant(s) HARDIN ET AL. S.G.	
	Examiner Richard L. Schilling	Art Unit 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-14-04</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Marginean et al. Marginean et al. (see particularly column 2, lines 32-43; column 6, lines 52-65; column 7, line 41 - column 8, line 30; column 9, lines 7-64; column 10, lines 20-30; Examples 3, 7) disclose applying protective overcoat compositions comprising photoinitiators and acrylic monomers, including

oligomers, to thermal color imaging elements and curing by ultraviolet radiation or electron beams. If Marginean et al. do not anticipate the instant claims, then it would at least be obvious to one skilled in the art to adjust UV exposure amounts and protective layer coverages to achieve the called for curing and protective layer functions in Marginean et al. In regard to instant claim 9, aliphatic urethane acrylate is disclosed for the protective layers.

2. Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhatt et al. (PG Pub 2003/0125206) in view of Marginean et al. and Novak et al. Bhatt et al. (see particularly paragraphs 79, 85 and 174) discloses thermal imaging elements with multiple thermal imaging layers including thermal imaging layers on both sides of a support. Bhatt et al. discloses that their thermal imaging elements may contain protective layers. The particular overcoat compositions of the instant claims are not disclosed by Bhatt et al. However, Marginean et al. teaches the use of protective overcoats formed by polymerization of oligomers containing acrylate groups on thermal imaging elements. The compositions in Marginean et al. include acrylate oligomers and photoinitiators wherein the acrylates include aliphatic urethane acrylates. Novak et al. (see particularly column 1, line 44 - column 2, line 4; column 2,

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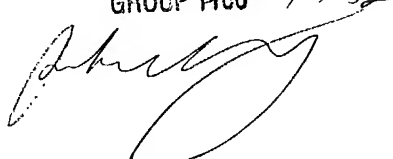
line 45 - column 3, line 45) discloses protective layer compositions for various photographic elements with acrylated urethane, multifunctional acrylate and photoinitiators which are cured by UV or electron beam radiation for improved abrasion resistance and bonding as compared to known protective layers which are not polymerized by radiation. Since Marginean et al. discloses the use of acrylate oligomer compositions which are photopolymerized to form protective layers on color thermal imaging elements, it would be obvious to one skilled in the art to use the compositions and UV for electron beam curing of Marginean et al. or Novak et al. to form the called for protective layers on the thermal color imaging elements of Bhatt et al.

3. The prior art cited by applicants has been considered and corresponds to Bhatt et al. Lee et al. and Ellerstine et al. are cited of interest in the art as disclosing acrylate oligomers in overcoat radiation curable overcoat compositions for photographic elements.

4. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

RLSchilling:cdc

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1100

1752


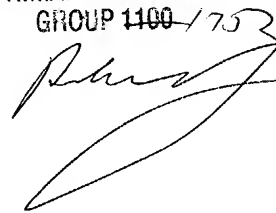
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September 20, 2004

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1100-1752

A handwritten signature in black ink, appearing to read 'Richard L. Schilling', written over the printed name and group number.